

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI PRIORITY

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AMCONSUL CALCUTTA PRIORITY

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E.O. 11652: N/A

TAGS: CASC, PFOR, IN, US

SUBJECT: HARCOS/FLETCHER PRESS GUIDANCE

1. FOLLOWING CONTINGENCY PRESS GUIDANCE PREPARED FOR
USE BY DEPARTMENT SPOKESMAN. THERE HAVE BEEN NO RECENT
QUESTIONS THROUGH NOON BRIEFING AUGUST 23.

2. QUESTION: WHAT COMMENT DO YOU HAVE ON THE REPORTED
DENIAL OF BAIL TO THE TWO AMERICANS IN JAIL IN CALCUTTA
AWAITING TRIAL?

ANSWER: WHILE BAIL HAS NOT BEEN GRANTED, WE UNDER-
STAND THE QUESTION OF THEIR RELEASE FROM JAIL REMAINS
UNDER CONSIDERATION BY THE TRIAL JUDGE. WE CERTAINLY
HOPE THAT A WAY WILL BE FOUND TO RELEASE THESE MEN FROM
JAIL WHILE THE COURT PROCEEDINGS MOVE FORWARD.

3. QUESTION: WHAT IS THE USG DOING ON BEHALF OF THE
TWO AMERICANS IN JAIL IN CALCUTTA?

ANSWER: A REPRESENTATIVE OF OUR CONSULATE GENERAL IN
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CALCUTTA CONTINUES TO VISIT MR. HARCOS AND MR. FLETCHER

EVERY MONDAY, WEDNESDAY, AND FRIDAY. WE REMAIN VERY CONCERNED ABOUT THIS CASE ON HUMANITARIAN GROUNDS; FOR THESE MEN, WHOSE LAWYERS SAY THEY ARE DRUG SMUGGLERS, HAVE BEEN HELD IN JAIL FOR MORE THAN FIFTEEN MONTHS WITHOUT

FORMAL CHARGES AGAINST THEM. WE FIND IT HARD TO UNDERSTAND WHY THE TRIAL HAS BEEN SO LONG DELAYED. AS WE HAVE REPEATEDLY DONE BEFORE, WE CONTINUE TO URGE THE INDIAN AUTHORITIES TO BRING THEIR CASE PROMPTLY TO TRIAL, IF ONE IS WARRANTED.

4. QUESTION: WHY HAVE REPRESENTATIVES OF OUR CONSULATE GENERAL IN CALCUTTA BEEN BARRED FROM OBSERVING THE TRIAL OF THE TWO AMERICANS IN CALCUTTA?

ANSWER: THE TRIAL JUDGE PRESIDING OVER THE CASE HAS RULED THAT, AS PROVIDED FOR UNDER THE INDIAN OFFICIAL SECRETS ACT, THE TRIAL WILL BE HELD "IN CAMERA". FRAMING OF THE CHARGES AGAINST THE TWO MEN IS SCHEDULED FOR SEPTEMBER 9 AND WE UNDERSTAND THAT THE CHARGES FALL UNDER THE SAME ACT. IN THE INTEREST OF PROVIDING THE MAXIMUM POSSIBLE CONSULAR ASSISTANCE TO THESE MEN, WE ARE CONTINUING TO SEEK PERMISSION FOR A CONSULATE OFFICIAL TO OBSERVE THE TRIAL.

5. QUESTION: DO YOU HAVE ANY FURTHER INFORMATION ON THEIR HEALTH?

ANSWER: MR. HARCOS AND MR. FLETCHER HAVE BEEN ON A HUNGER STRIKE SINCE JUNE 17. IT HAS BEEN REPORTED THAT HARCOS HAD LOST 20 POUNDS AND FLETCHER 19 SINCE THEIR HUNGER STRIKE BEGAN. WE UNDERSTAND THAT THEY HAVE BEEN TAKING SOME NOURISHMENT. TO OUR KNOWLEDGE THEY HAVE RAISED NO COMPLAINTS ABOUT THEIR HEALTH WHEN VISITED BY THE CONSULAR OFFICER.

6. QUESTION: ARE THE TWO MEN IN ANY WAY AFFILIATED WITH THE U.S. GOVERNMENT? THE IMPLICATION IS THAT THE TWO WERE SPIES FOR THE U.S.

ANSWER: NEITHER HARCOS NOR FLETCHER HAS ANY CONNECTION OF ANY SORT WITH THE U.S. GOVERNMENT. FURTHER I CAN SAY THAT THEIR PRESENCE IN INDIA HAD NOTHING WHATSOEVER LIMITED OFFICIAL USE

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EVER TO DO WITH ANY U.S. GOVERNMENT ACTIVITY.

7. QUESTION: DO WE KNOW ANYTHING MORE ABOUT THE CHARGES UNDER WHICH THE MEN WILL BE TRIED?

ANSWER: FORMAL CHARGES AGAINST THE DEFENDANTS HAVE NOT BEEN PUBLICIZED AND WE UNDERSTAND THAT THEY WILL NOT BE FORMALLY FRAMED UNTIL SEPTEMBER 9. WE CANNOT COMMENT ON POSSIBLE CHARGES EXCEPT TO NOTE THAT LAWYERS FOR THE

TWO MEN HAVE SAID THEY WERE ENGAGED IN DRUG SMUGGLING.

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